

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

BILLY L. WARDLEY, JR.

PLAINTIFF

v.

NO. 4:04CV312-M-B

COMMISSIONER CHRISTOPHER EPPS, ET AL.

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated December 8, 2004, and the December 27, 2004, objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated December 8, 2004, is hereby approved and adopted as the opinion of the court.
2. That all of the plaintiff's claims are hereby **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted – and under the doctrine of *res judicata*, counting as a “strike” strike under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g).
3. That this case is **CLOSED**.

THIS, the 15th day of September, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE